

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 1, 8, and 15. Although the Applicant asserts that no amendments were needed to distinguish independent claims 1, 8, and 15 over Katseff, the amendments were made solely to facilitate a more direct and focused examination of the present claims and, hopefully, to expedite their allowance. Accordingly, claims 1-17 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections – Drawings**

With respect to Section 6 of the Office Action, Applicant submits the following definition of “sound” from the Free On-Line Dictionary of Computing:

#### **sound**

1. audio.

2. An inference system A is sound with respect to another system B if A can only reach conclusions which are true in B. A type inference system is considered sound with respect to a semantics if the type inferred for an expression is the same as the type inferred for the meaning of that expression under the semantics.

The dual to soundness is completeness.

(1995-03-01)

Dictionary.com, “sound,” in *The Free On-line Dictionary of Computing*. Source location: Denis Howe. <http://dictionary.reference.com/browse/sound>. Available: <http://dictionary.reference.com>. Accessed: February 27, 2009.

The Applicant introduces this extrinsic evidence only to show that one of ordinary skill in the art would comprehend that the terms “audio” and “sound” are equivalent. As such, Applicant traverses the Examiner’s objection to the Drawings and respectfully requests withdrawal of the objection in view of the extrinsic evidence provided by the Applicant.

### 3.) Examiner Objections – Specification

With respect to Section 4 of the Office Action, Applicant submits a new abstract as detailed below.

With respect to Section 5 of the Office Action, Applicant submits the following definition of “sound” from the Free On-Line Dictionary of Computing:

#### **sound**

1. audio.

2. An inference system A is sound with respect to another system B if A can only reach conclusions which are true in B. A type inference system is considered sound with respect to a semantics if the type inferred for an expression is the same as the type inferred for the meaning of that expression under the semantics.

The dual to soundness is completeness.

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Dictionary.com, “sound,” in *The Free On-line Dictionary of Computing*. Source location: Denis Howe. <http://dictionary.reference.com/browse/sound>. Available: <http://dictionary.reference.com>. Accessed: February 27, 2009.

The Applicant introduces this extrinsic evidence only to show that one of ordinary skill in the art would comprehend that the terms “audio” and “sound” are equivalent. As such, Applicant traverses the Examiner’s objection to the Specification and respectfully requests withdrawal of the objection in view of the extrinsic evidence provided by the Applicant.

### 4.) Claim Rejections – 35 U.S.C. § 102(e)

Claims 1, 4, 6, 8, 12, 13, 15 stand rejected under 35 U.S.C. 102(e) as being anticipated by Katseff, et al. (US 6301258 B1) (hereinafter Katseff). Applicant respectfully disagrees.

Katseff discloses reducing latency in packet telephony caused by anti-jitter buffering, audio data elements are received and placed in a telephony input buffer used for anti-jitter buffering. Rather than wait until the buffer is full, the audio data elements are clocked, or played, out of the buffer at a rate slower than the normal play rate. In this way, latency due to the initial buffer fill period is reduced or eliminated. Audio data

elements continue to be played out at a slower than normal rate until the buffer fill level reaches a threshold. At that time, the play rate for sending data elements out of the telephony input buffer is adjusted to the normal play rate. In an alternative embodiment of the present invention, the fill level of the telephony input buffer is controlled within a desired range by speeding up or slowing down the rate at which audio data elements are played out of the telephony input buffer. In yet another alternative embodiment, the amount of latency jitter in the packet network is measured and the size of the telephony input buffer is adjusted based upon the relative amount of jitter, such that the relative size of the buffer is reduced when the packet network is quiet, and the size of the buffer is increased when the network is relatively jittery. (Katseff, Abstract)

First, the Examiner's attention is directed to the fact that Katseff fails to teach, disclose, or suggest the device of Applicant's claims 1, 8, and 15. Katseff discloses a PC based packet phone. In other words, each of the elements disclosed in Katseff is resident on the PC. (Katseff, col. 3, lines 5-9) As such, Katseff teaches away from the "device" or "audio device" as recited by Applicant's independent claims.

Second, the Examiner's attention is also directed to the fact that Katseff fails to teach "connecting a telephony application, resident on the PC, to the device via the network connection", as recited in claim 1.

The present invention discloses in one embodiment, transferring an asynchronous digital audio signal for telephony using a sound device connected to the PC. The sound device handles both incoming and outgoing speech. The digital audio signal is transferred asynchronously through the PC between a network, to which the PC is connected, and the sound device. The main signal processing of the digital audio signal is performed in the sound device, which can be designed to handle speech in full duplex. The device as recited by Applicant's claims provides the specific advantages of: simultaneously handling both the audio signal and other audio messages in the PC, simultaneously handling both the audio signal and non-audio applications in the PC without deterioration of the speech, less delay of the audio signal in the PC, higher quality of the audio signal transferred by the PC also when running other non-audio applications. (See Applicant's Published Specification, ¶ [0010] to [0023])

The Examiner argues that the I/O port of Katseff reads on the network connection as recited by Applicant. However, FIG. 1 of Katseff shows that its I/O port connects network layer 130 to modem 140. As such, Katseff cannot teach "connecting a telephony application, resident on the PC, to the device via the network connection", as recited by claim 1.

For at least the above reasons, independent claims 1, 8, and 15 are patentable over Katseff. Claims 4, 6, 12, and 13 are patentable at least by virtue of depending from their respective base claim.

## **5.) Claim Rejections – 35 U.S.C. § 103 (a)**

### A. Claims 2, 3, 9, 10, 11

Claims 2, 3, 9, 10, 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, in view of Chang et al. (US 6330247 B1) (hereinafter Chang).

The Examiner concedes that Katseff fails to teach the elements of claims 2, 3 and 9-11. In order to cure the Examiner's perceived deficiency, Chang is cited.

As argued above in Section 4.), Katseff fails to teach "the device" of claims 1, 8, and 15, and, "connecting a telephony application, resident on the PC, to the device via the network connection", as recited in claim 1. Chang fails to cure these deficiencies. As such, Applicant respectfully submits that claims 2, 3, and 9-11 are patentable over the combination of Katseff and Chang.

### B. Claims 5, 16, 17

Claims 5, 16, 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff and Chang as applied to claims 1, 8, and 15 above, and further in view of Staudacher et al (US 5657384).

The Examiner concedes that Katseff and Chang fail to teach the elements of claims 5, 16 and 17. In order to cure the Examiner's perceived deficiency, Staudacher is cited.

As argued above in Section 5.) A., Katseff and Chang fail to teach "the device" of claims 1, 8, and 15, and, "connecting a telephony application, resident on the PC, to the device via the network connection", as recited in claim 1. Staudacher fails to cure these deficiencies. As such, Applicant respectfully submits that claims 5, 16, and 17 are patentable over the combination of Katseff, Chang, and Staudacher.

C. Claims 7, 14

Claims 7, 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff and Chang as applied to claims 1, 8, 15 above, and further in view of Guy, et al. (US5657384) (hereinafter Guy).

The Examiner concedes that Katseff and Chang fail to teach the elements of claims 7 and 14. In order to cure the Examiner's perceived deficiency, Guy is cited.

As argued above in Section 5.) A., Katseff and Chang fail to teach "the device" of claims 1, 8, and 15, and, "connecting a telephony application, resident on the PC, to the device via the network connection", as recited in claim 1. Guy fails to cure these deficiencies. As such, Applicant respectfully submits that claims 7 and 14 are patentable over the combination of Katseff, Chang, and Guy.

**6.) Prior Art Not Relied Upon**

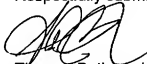
In paragraph 13 on page 13 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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